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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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NEW DELHI, FRIDAY, DECEMBER 15, 2006/AGRAHAYANA 24, 1928

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 14 दिसम्बर, 2006

का.आ. 2101(अ).— केन्द्रीय सरकार ने विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 का उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना संख्यांक का.आ. 710 (अ), तारीख 14 मई, 2006 द्वारा लिबरेशन टाइगर्स ऑफ तामिल ईलम (जिसे इसमें इसके पश्चात् लिट्टे कहा गया है) को विधिविरुद्ध संगम के रूप में घोषित किया गया था ;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना संख्यांक का.आ. 849 (अ) तारीख 2 जून, 2006 द्वारा विधि विरुद्ध (निवारण) प्राधिकरण (जिसे इसमें इसके पश्चात् उक्त अधिकरण कहा गया है) का गठन किया गया था, जिसमें दिल्ली उच्च न्यायालय के माननीय न्यायाधीश न्यायमूर्ति ए.के. सीकरी थे ;

और केन्द्रीय सरकार के उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस न्यायनिर्णयन के प्रयोजन के लिए कि क्या लिट्टे को विधि विरुद्ध घोषित किए जाने का पर्याप्त कारण था या नहीं, 7 जून, 2006 को उक्त अधिकरण को उक्त अधिसूचना निर्दिष्ट की थी ;

और उक्त अधिकरण ने, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 2 नवंबर, 2006 को की गई घोषणा की पुष्टि करते हुए, तारीख अधिसूचना सं. का.आ. 710(अ), तारीख 14 मई, 2006 में को एक आदेश (जिसे इसमें इसके पश्चात् उक्त आदेश कहा गया है) पारित किया था।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (4) के अनुसरण में उक्त अधिकरण के निम्नलिखित आदेश को प्रकाशित करती है, अर्थात् :-

(निर्णय अंग्रेजी में छपा है)

[फा. सं. I-11034/1/06- आई. एस.-III]

एल. सी. गोयल, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 14th December, 2006

S.O. 2101(E).—Whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) hereinafter referred to as the said Act, declared vide notification of the Government of India in the Ministry of Home Affairs number S.O. 710 (E), dated the 14th May, 2006 the Liberation Tigers of Tamil Eelam (hereinafter referred to as LTTE) to be an unlawful association;

AND WHEREAS the Central Government, in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted vide notification of the Government of India in the Ministry of Home Affairs number S.O. 849(E), dated the 2nd June, 2006 the Unlawful Activities (Prevention) Tribunal (hereinafter referred to as the said Tribunal) consisting of Mr. Justice A.K. Sikri, Judge of the Delhi High Court;

AND WHEREAS the Central Government, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, referred the said notification to the said Tribunal on 7th June, 2006 for the purpose of adjudicating whether or not there was sufficient cause for declaring the LTTE as unlawful;

AND WHEREAS the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, made an Order (hereinafter referred to as the said Order) on the 2nd day of November 2006, confirming the declaration made in the notification number S.O. 710 (E), dated the 14th May, 2006;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said Order of the said Tribunal, namely :-

Before the Unlawful Activities (Prevention) Tribunal
Constituted Vide Notification No. 710 (E)
Dated 14th May, 2006

IN RE:

Liberation Tigers of Tamil Eelam (LTTE)

CORAM:

HON'BLE MR JUSTICE A.K.SIKRI

PRESENT:

Union of India through Mr. Suresh Kait and Mr. Shailendra Sharma, Advocates.

Mr. Randhir Singh, Under Secretary (IS-III), Ministry of Home Affairs,
Government of India.

State of Tamil Nadu through Mr. Babu Muthu Meeran, J.C. Durai Raj and
Mr. Hasan Mohd. Jinnah.

Mr. S. Davidson Devasirvatham (IPS), Superintendent of Police, 'Q' Branch, CID,
Tamil Nadu.

Mr. D.K. Batra, Registrar of the Tribunal.

"JUDGMENT"

1. Section 3 of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as 'the Act') empowers the Central Government to declare any association to be unlawful if it is of the opinion that such an association is, or has become, an unlawful association. '*Unlawful Association*' is defined in Section 2(g) of the Act which, inter alia, stipulates that an association would be an unlawful association which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity. What constitutes

an '*unlawful activity*' is defined in Section 2(f) of the Act, which is in the following terms :-

"2. Definitions. - In this Act, unless the context otherwise requires, -

XX XX XX

(f) "unlawful activity," in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise), -

(i) which is intended, or supports any claim to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession;

(ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India;

XX XX XX

2. Thus, if an association is undertaking any unlawful activity, as defined in Section 2(f) of the Act, such an association can be declared an unlawful association under Section 3 of the Act by the Central Government. While declaring a particular association to be unlawful, notification has to be issued in the Official Gazette and such a notification has to specify the grounds on which it is issued and it may also specify such other particulars as the Central Government may consider necessary. However, it may not be required to disclose those facts in the notification which it considers to be against the public interest to disclose.

3. In exercise of the powers conferred by sub-section (1) of Section 3 of the Act, the Central Government has issued Notification No. 710(E) dated 14th May 2006, whereby the Liberation Tigers of Tamil Eelam (for short, 'LTTE') has been declared as an unlawful association. This Notification is reproduced below :-

"S.O. 710(E). -- Whereas the Liberation Tigers of Tamil Eelam (hereinafter referred to as the LTTE), is an association actually based in Sri Lanka but having sympathizers, supporters and agents on the Indian soil;

And whereas the LTTE's objective for a separate homeland (Tamil Eelam) for all tamils threatens the sovereignty and territorial integrity of India, and amounts to cession and secession of a part of the territory of India from the Union and thus falls within the ambit of an unlawful activity;

And whereas, the turbulence in Sri Lanka is being exploited by pro-LTTE forces to draw up support for the LTTE and its cause by taking out processions, demonstrations, etc., in spite of the ban causing disquiet and threat to the security of the State of Tamil Nadu;

And whereas most of the criminal cases involving the LTTE and pro-LTTE groups like Tamil National Retrieval Troops (TNRT), Tamil Nadu Liberation Army (TNLA) and Tamiliar Pasarai, have ended in conviction but the Tamil Eelam concept still remains as a goal among the pro-LTTE groups in Tamil Nadu. The forces are still at work to further its cause thereby contributing to the vulnerable milieu in which the LTTE's free functioning in India as a lawful association, if allowed, would be highly detrimental to the sovereignty and territorial integrity of India;

And whereas the LTTE continues to be an extremely potent, most lethal and well-organized terrorist force in Sri Lanka and has strong connections in Tamil Nadu and certain pockets of southern India. The LTTE continues to use the State of Tamil Nadu as the base for carrying out smuggling of essential items like petrol and diesel, besides drugs to Sri Lanka;

And whereas the LTTE will continue to remain a strong terrorist movement and stimulate the secessionist sentiment to enhance the support base of the LTTE in Tamil Nadu as long as Sri Lanka continues to remain in a state of ethnic strife torn by the demand for Tamil Eelam which finds a strong echo in Tamil Nadu due to the linguistic, cultural, ethnic and historical affinity between the Sri Lankan, Tamils and the Indian Tamils in Sri Lanka;

And whereas for the reasons aforesaid, the Central Government is of the opinion that the LTTE is an unlawful association and there is a continuing strong need to control all such separatist activities by all possible means;

And whereas the Central Government has the information that-

- (i) enquiries on the activities of the LTTE cadres, dropouts, sympathizers who have been traced out recently in the State of

Tamil Nadu would suggest that the cadres sent to Tamil Nadu would ultimately be utilized by the LTTE for unlawful activities;

- (ii) the activities of pro-LTTE organizations and individuals have come to notice in India, despite the ban in force and attempts have been made by these forces to extend their support to the LTTE;
- (iii) the LTTE leaders have been cynical of India's policy on their organization and reaction of the State machinery in curbing their activities;

And whereas the Central Government is of the opinion that the aforesaid activities of the LTTE continue to pose threat to, and are detrimental to, the sovereignty and territorial integrity of India as also public order and, therefore, should be declared as an unlawful association;

And whereas the Central Government is further of the opinion that because (i) of its continued violent and disruptive activities prejudicial to the integrity and sovereignty of India; (ii) it continues to adopt a strong anti-India posture and also continues to pose a grave threat to the security of Indian nationals, it is necessary to declare the LTTE as "an Unlawful association" with immediate effect;

Now, therefore, in exercise of the powers conferred by sub-section (1) and proviso to sub-section (3) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the Liberation Tigers of Tamil Eelam (the LTTE) as an unlawful association and directs that this notification shall, subject to any order that may be made under Section 4 of the said Act, have effect on and from the date of its publication in the Official Gazette."

4. The Act further requires the Central Government to refer the Notification to the Tribunal constituted under Section 5(1) of the Act, within 30 days from the date of publication of the Notification under Section 3(1) of the Act, for the purpose of adjudicating whether or not there is sufficient cause for declaring the association unlawful. As obligated under sub-section (1) of Section 4 of the Act, Notification No. 849(E) dated 2nd June 2006 has been referred to this Tribunal for the purpose of adjudicating as to whether or not there is sufficient cause for declaring the association as unlawful. As

required by Rule 5 of the Rules framed under the Act, the Central Government, along with the Reference, also forwarded the resume regarding the aims, objectives and activities of the LTTE. The Constitution of People's Front of Liberation Tigers, the front organization of the LTTE, was also enclosed with the Reference. The Reference also indicates the cases registered and the arrests made for the unlawful activities of the LTTE and pro-LTTE elements/groups in Tamil Nadu since May 2004. It is in view of the aforesaid Notification that this Tribunal has gone through the exercise of the adjudication as ultimately it is for this Tribunal to find out as to whether there is sufficient cause for declaring the association unlawful.

5. On receipt of the said Notification, preliminary hearing was held by this Tribunal on 17th June 2006 when it was directed that notice be issued to the LTTE under sub-section (2) of Section 4 of the Act, returnable on 31st July 2006, inasmuch as under Section 4(2) of the Act, the Tribunal is to call upon the association in writing to showcause, within 30 days from the date of service of such notice, why the association should not be declared unlawful. It was reported that there is no particular address of the LTTE in India, therefore, direction was given to publish the notice in The Indian Express and The Hindu in Tamil Nadu and Delhi editions and one issue of daily newspaper published in Tamil language in Tamil Nadu. It was also directed that notices be published in two leading newspapers in Sri Lanka either in 'Island', 'Virakesari', 'Daily News' or 'Thinakaran Sunday Observer'. As the International Secretariat of the LTTE is stated to be

located at Eelam House, 202, Long Lane, London SE14QB, it was further directed that notices be also issued to the LTTE on the aforesaid address and be published in the leading newspaper 'Times' in the United Kingdom as well. In addition, direction was given to affix the notice at a conspicuous part of the office of the LTTE, if any, and a copy of the same be also served upon the office bearer, if any, by registered post or otherwise. The Central Government was directed to take steps for publishing the notices in the aforesaid manner within two weeks and file Service Report with the Registrar of the Tribunal, duly supported by affidavits of the concerned officials. Standing counsel for the State of Tamil Nadu, Chennai was also issued notice of the hearings by the Tribunal. It was directed that the next sitting of the Tribunal shall take place on 31st July 2006.

6. In the hearing held on 31st July 2006, the representative of the Central Government informed that in compliance with the orders dated 17th June 2006, notices by publication had been served upon the LTTE. Affidavit of Mr. Randhir Singh, Under Secretary (IS-III), Ministry of Home Affairs, Government of India, New Delhi was filed. It is stated in this affidavit that Ministry of External Affairs and Directorate of Advertising and Visual Publicity were forwarded the necessary documents. Ministry of External Affairs has given its report dated 24.7.2006 as per which vide communication dated 12.7.2006, High Commission of India in London was advised to take up the matter with UKCA for serving the notice. In addition, High Commission had also engaged a private company Britannia Support Services Ltd., London to serve the notice on the LTTE on the

designated address. Their replies were, however, awaited. In any case, notice had been published in the UK newspaper, namely 'Times' dated 7.7.2006. Mr. Suresh Kait, learned standing counsel appearing for the Union of India assured that by the next date the affidavit of service of notice through UKCA as well as Britannia Support Services Ltd., London shall be filed along with a copy of the newspaper 'Times' dated 7.7.2006 where notice is stated to be published. It is further stated in the affidavit of Mr. Randhir Singh that notices have been published in 'Daily News' and 'Virakesari' on 8.7.2006 in Sri Lanka. Copies of these newspaper reports containing the aforesaid notice were also directed to be filed on the next date of hearing. Directorate of Advertising and Visual Publicity has published the showcause notice in 'The Indian Express' and 'The Hindu' on 28.6.2006 (Delhi Edition). Copies of these publications are filed with the affidavit as Annexure-III. Government of Tamil Nadu has also got the notice published in 'The Hindu' and 'The Indian Express' (Tamil Nadu Edition) dated 28.6.2006 and Tamil Daily 'Dinamani' dated 27.6.2006 which are enclosed with the said affidavit along with letter dated 30.6.2006 of the Government of Tamil Nadu. However, affidavit dated 28.8.2006 was filed by Mr. Randhir Singh, Under Secretary (IS-III), Ministry of Home Affairs, Government of India, stating that the Ministry of External Affairs, vide their letter dated 17.8.2006, has stated that the UK Home Office has expressed their inability to deliver documents as the building was seen derelict and appeared to have been empty for considerable time.

Further, letter addressed to the International Secretariat, LTTE, has been

returned with the observations 'address incomplete'. However, Britannia Support Services Ltd., London, could serve the documents through the mail box of 202, Long Lane, London – SE14QB and by affixing copies of documents to the doors of the building on 11.7.2006. Copies of the newspaper clippings of 'The Times', UK dated 7.7.2006 and 'Virakesari' of Sri Lanka dated 8.7.2006 are also filed with the affidavit as Annexures 2, 3 & 4 respectively. Notice to the Standing Counsel for the State of Tamil Nadu, Chennai was also served and he entered appearance. Though the notice was served in every possible manner to the LTTE, nobody appeared on their behalf and it did not show cause either. However, even in the absence of any such cause shown by the association, the Tribunal is required to hold inquiry in the manner specified in Section 9 of the Act and decide whether or not there is sufficient cause for declaring the association to be unlawful. Therefore, this Tribunal proceeded with such an inquiry in accordance with the procedure laid down in Section 9 of the Act.

7. In order to support the action that there were sufficient reasons for issuing Notification under Section 3(1) of the Act declaring LTTE as an unlawful association, the affidavit of Mr. Randhir Singh, Under Secretary (IS-III), Ministry of Home Affairs, Government of India has been filed. Mr. S. David Devasirvatham, Superintendent of Police, 'Q' Branch (CID), Tamil Nadu, also tendered his affidavit. Whereas Mr. Davidson was examined as PW-1 on 13th August 2006, Mr. Randhir Singh was examined as PW-2 on 25th October 2006. Both these witnesses tendered in evidence their respective affidavits and proved various documents filed along with the

affidavits, which were exhibited by marking various exhibits. Since nobody appeared on behalf of the LTTE even on these hearings, there was no cross-examination of these witnesses.

8. The arguments were thereafter heard on 27th October 2006 when Mr. Suresh Kait, assisted by Mr. Shailendra Sharma, presented the case on behalf of the Central Government and Mr. Babu Muthu Meeran with Mr. J.C. Durai Raj and Mr. Hasan Mohd. Jinnah, Advocates, made their submissions on behalf of the State of Tamil Nadu.
9. In the testimony of the aforesaid two witnesses, supported by various documents, it has come on record that, for the first time, the Government of India had issued Notification No. 330(E) dated 14.5.1992 declaring LTTE as an unlawful association under the Act for a period of two years from 14.5.1992. This notification was upheld by this Tribunal to which the Reference was made for the purpose of adjudication as to whether or not there was sufficient cause for declaring the LTTE as an unlawful association. Thereafter, this ban was extended successively after every two years vide Notifications dated 14.5.1994, 14.5.1996, 14.5.1998, 14.5.2000, 14.5.2002, and 14.5.2004. The Tribunals constituted every time, making reference in respect of all these notifications, have confirmed the declaration made in those notifications. Therefore, LTTE is declared as an unlawful association under the Act since 14.5.1992, which ban has been extended from time to time. By means of the present Notification No. 710 (E) dated 14.5.2006, this ban is extended for a further period of two years.

Thus, the effect of the aforesaid notifications, as confirmed, would be that the activities of the LTTE are treated as unlawful and prejudicial to the security and integrity of the State of Tamil Nadu and the Union of India as a whole. From these notifications and orders passed by the Tribunals constituted thereon, following background material surfaces on record:-

- (a) The Liberation Tigers of Tamil Eelam (LTTE) was originally formed in 1974 as Liberation Tigers. It took its present name in 1976. The LTTE declared its ultimate objective as "Total Liberation of its homeland and the establishment of an independent, sovereign socialist State of Tamil Nadu.
- (b) In the course of its growth, LTTE has been able to carve out a well-knit infrastructure and has methodically brought up its organizational structure, which has been able to sustain years of armed struggle against the Sri Lankan army. LTTE has created political, military, medical and intelligence wings with higher hierarchical system and assigned explicitly spelt out roles to its functionaries. The overall in charge of LTTE is Vellupillai Prabhakaran @ Karikalan. Pottu Amman is the chief of LTTE's Intelligence Wing. Kapil Amman being the Chief of the Internal Wing with responsibility for overall administration of both Internal and external wings.
- (c) Since early 1989, the LTTE has been using Tamil Nadu as a launching pad for its operation in Sri Lanka. The situation became ominous in 1989-90 when the LTTE cadres started infiltrating into the State under the guise of refugees. Those injured in the fighting in Sri Lanka also found the State to be a safe heaven for their treatment and welfare. The outfit continues to use Tamil Nadu as a base for securing its logistical requirements.

- (d) Apart from infiltration in the garb of refugees, the LTTE cadres found it very convenient to have access to interior places in the State of Tamil Nadu through various land routes emanating from as many as 500 odd landing places in the coastal areas of Thanjavur, Pudukottai and Ramanathapuram districts. Boats were being used for bringing the cadres/leaders to the landing points from where transportation to various places is without any problem as they could conveniently procure adequate number of vehicles through their local contacts and associates. These sea and land routes are also used for smuggling purposes and supply lines. Medicines, clothing, arms, ammunitions, explosives and provisions are being smuggled out to other LTTE bases in Sri Lanka. Smuggling of gold into India for the cash requirements and in supplementing their revenues has been continuing.
- (e) In order to sustain these smuggling and other clandestine operations, the LTTE had set up an effective network of Radio W.T. Communication between Sri Lanka and Tamil Nadu and also within the State. LTTE cadres started using sympathetic locals, particularly those with impressionable minds, for assisting the former in their various tasks. This created a close nexus between the LTTE cadres and gullible locals who were being closely injected with the poison of secession through terror means.
10. In view thereof, it may not be necessary to dwell into a deeper scrutiny of the matter and purpose would be served in finding as to whether the opinion of the Central Government expressed in Notification dated 14.5.2006 for extending the ban is proper or not. What, therefore, would be required to be seen is as to whether there is sufficient material of the

activities of the LTTE during the last two years i.e. from 14.5.2004 to 14.5.2006 warranting extension of the ban. Though the LTTE is an organization which is originally formed in Sri Lanka with primary activity in that country, what prompted the Central Government to declare it as an unlawful association was the impact of its activities in India and particularly in the State of Tamil Nadu which would come within the mischief of the unlawful activity as defined in Section 2(f) of the Act. It is because of this reason that in the Notification No. 710(E) dated 14.5.2006, the Central Government has opined that the LTTE has persisted with its violent and disruptive activities prejudicial to the integrity and sovereignty of India and after coming to the opinion that the aforesaid activities of LTTE continue to pose threat to and are detrimental to the sovereignty of India as also public order and having come to the opinion that –

- i) these continued violent and disruptive activities are prejudicial to the integrity and sovereignty of India, and
- ii) it continues to adopt a strong anti-India posture and also continues to pose a great threat to the security of the Indian nationals, it was necessary to declare that LTTE as an unlawful association with immediate effect, declared the LTTE to be an unlawful association for a further period of two years from 14.05.2006.

11. In this backdrop, it is emphasized in the affidavit of Mr. Randhir Singh that one may have to first look into the objectives of the LTTE which speak out the minds of the activists in the said organization. It is pointed out that the

Constitution of People's Front of Liberation Tigers (PFLT), the political front of LTTE, includes, *inter alia*, the following objectives :-

- a) to fight for the right of self-determination of the Tamils and Muslims; and
- b) to protect and preserve the geographical identity and integrity of the traditional homelands of the Tamils and Muslims.

12. What is sought to be highlighted is that the intention behind the aforesaid objectives is that irrespective of geographical distinction, the purpose and the larger objective is to include Tamil areas of India while talking about the homelands of Tamils and their right of self determination, though the immediate struggle of the LTTE is against the Government of Sri Lanka. Thus, the ultimate objective is to include the Tamil areas of India thereby posing a serious threat to the sovereignty and territorial integrity of India. It is for this reason, the affidavit further mentions that the activities of LTTE and pro-LTTE groups require constant vigil and monitoring. Sympathy for the Tamil Eelam concept still remains and the forces are still at work to further the cause of separate Tamil Nadu i.e. secession from India, for which they are drawing inspiration and sustenance from LTTE. In order to control these secessionist forces, it is extremely important to continue to exercise strict control over the activities of LTTE and to ensure that their militant activities do not re-emerge in Tamil Nadu, in any potent manner. The LTTE has created the Tamil National Retrieval Troops (TNRT), Tamil Nadu Liberation Army (TNLA) and Tamiliar Passarai, secessionist organizations in Tamil Nadu, in furtherance of its objective,

seeking secession of Tamil Nadu which is highly prejudicial to India's sovereignty and territorial integrity. LTTE cadres/ sympathizers/drop-outs are arriving in Tamil Nadu despite the existing ban. In case the ban is lifted, their activities would increase to the detriment of the security of the State. The chauvinist forces in support of LTTE would be emboldened to indulge in anti-national activities, paving the way for the secession of Tamil Nadu. Their indulgence in illegal activities openly with the tacit support of the chauvinist forces cannot be ruled out. If the present ban is not extended, the chances of infiltration by the LTTE into the State would pose a grave threat to the sovereignty and territorial integrity of India.

13. The material, on the basis of which extension of ban by issuing the Notification in question is justified, can be classified into the following:

- A) the criminal cases which were registered prior to May 2004, but ended in conviction during the period after May 2004 and before the issuance of the present notification;
 - B) fresh cases registered during the period in question, i.e. May 2004 to May 2006, and some of these cases have already resulted in conviction; and
 - C) the various speeches given by the sympathizers, supporters and agents of LTTE on Indian soil, including the pamphlets and posters circulated and pasted, and the newspaper reports giving account of such speeches, etc.
- A. Criminal cases which were registered prior to May 2004, but ended in conviction during the period after May 2004 and before the issuance of the present notification

A reading of affidavits of both the witnesses would indicate the following cases which have ended in conviction during the period under scrutiny -

(I) **Madurai City 'Q' Branch.CID. Cr.No.1/96 u/s. 120-B IPC r/w. Sec.13(2) of the Unlawful Activities (Prev) Act, 1967 and Sec.25(1) (a) r/w. Sec. 7 of Arms Act, 1959 and Sec. 3 r/w. Sec.12 of Passport Act,1967.**

i) A racket in Madurai for procuring/despatching supplies for the LTTE was smashed during November,1996 by the Q Branch,CID in the intensive operations in Madurai, Ramanathapuram, Trichy, Coimbatore, which led to the arrest of LTTE cadres/operatives and large seizures including incriminating materials such as a HF set, Global Positioning System, etc. A case in Madurai City "Q" Branch CID., Cr. No. 1/96 u/s. 120-B IPC r/w. Sec. 13(2) of the Unlawful Activities (Prev) Act, 1967 and Sec.25(1) (a) r/w. Sec. 7 of Arms Act, 1959 and Sec. 3 r/w. Sec.12 of Passport Act,1967 had been registered. Sequel to the detection of the case, the following seizures were effected besides other incriminating documents:

Cash Rs. 23,900/-Gold biscuits 23
9 mm Pistol with 64 rounds 1
Walkie talkie sets 2
A.C.generator 1
Welding rods
Colour TV
Aluminium vessels
12 volt Exide battery
Code sheets 8
Navigational map 1
ICOM/HF Transreceiver 1
Global Positioning System 1(Direction finder)
BNC/Connector 1

Junction connection 1
Heroin 890 Gms.

- ii) During the course of investigation, 20 accused were arrested and the case was charge sheeted on 30.6.98, before E.C. Court, Madurai. As the accused (1). Tamilarasan s/o.Chelladurai LTTE, (2) Rajendran s/o.Ramuthevar, Sri Lanka (3) Karuppiah @ Kadafi s/o Subramani, LTTE (4) Sathiyamoorthy s/o.Sivalingam, LTTE (5) Kuttipalam @ Thangeswaran s/o.Devaraj, LTTE (6) Rajmohan @ Sankaradurai s/o.Ramalingam, LTTE (7) Baskar @ Suresh s/o.Rajendran, LTTE and (8) Suresh @ Arivazhagan s/o.Ramasamy, LTTE admitted their guilt, the case against them ended in conviction in CC.No.307/2000 on 4.4.2000. Accused Somasundaram s/o.Balasubramaniam expired on 14.1.2000.
- iii) The case against the remaining accused was tried in the Court of Special District and Sessions Judge for E.C. Act and NDPS Act cases, Madurai, in CC No.509/98. The Judge pronounced judgment on 28.7.2004 convicting all. The conviction particulars are furnished below:

	Accused	Section of law	Punishment awarded
A-1	Ramar s/o.Thangaraj	U/s.13(1)(2) of the Unlawful Activities (Prevention), Act, 1967.	R.I. for 2 months and a fine of Rs.5000/- in default R.I. for 6 months.
A-2	Ponnaiah s/o.Pandithevar.		
A-3	Balasubramanian s/o.Thangaraj.		
A-4	Senthurpandi s/o.Muniyandi. (All Indians)		
A-5	Sakunthala w/o.Late Durairaj (Indian)	U/s.13(1)(2) of the Unlawful Activities (Prevention), Act, 1967.	R.I. for 1 month and a fine of Rs.5000/- in default R.I. for 6 months.

A-6 A-8 A-9 A-10 A-11	Balasingh s/o.Selvaraj Jayakumar s/o.Rajamani. Ponnuchamy s/o.Ramuthevar Rajendran s/o.Chitravelu. Govindan @ Samy @ Selvan, s/o. Thevani Thevar (All Indians)	U/s.13(1)(2) of the Unlawful Activities (Prevention), Act, 1967.	R.I. for 1 year and a fine of Rs.10000/- in default R.I. for 1 year.
A-7	Premavathi @ Rajathi w/o.Kamalanathan, (Sri Lankan)	U/s.8(c) r/w.21 of NDPS Act U/s.13(1)(2) of the Unlawful Activities (Prevention), Act, 1967.	R.I. for 10 years and a fine of Rs.1,00,000/- in default R.I. for 2 years R.I. for 1 year and a fine of Rs.10,000/- in default R.I. for 1 year. Both the sentences to run concurrently.

- iv) The period of sentence they have already undergone in prison were set off u/s 428 Cr.P.C.

(II) **Manamelgudi PS.Cr.No.161/96 u/s 7 of Arms Act r/w Sec 25(1)(A) Arms Act, Sec. 13 of Unlawful Activities (Prevention) Act r/w Sec.12 of Passport Act @ 120(B) IPC, 13(2) of Unlawful Activities (Prevention) Act 1967, Sec.25(1-A) r/w 7 of Arms Act 1959.**

On 17.4.96 at 12.30 hrs. at Kodyiamunai, a seashore village in Manamelgudi PS.Limits, TNRT cadre Pandian @ Muthukumar @ Kumar @ Ravi @ Karvannan s/o Sundaram, No.7, Thiruvalluvar Cross Street, Shanmugapuram, Palani, Dindigul District, was found in possession of a 9mm pistol with 23 live rounds and a cyanide capsule. On his confession, electrical, electronics and other goods worth about Rs.5, 00,000/- with intention to smuggle to Sri Lanka were seized.

The case came for judgment before the Chief Judicial Magistrate Court, Pudukottai on 30.12.05. The Judge convicted A1 Muthukumar @ Pandiyan s/o Sundaram and sentenced to undergo RI for 6 years and to pay a fine of Rs.3,000/- u/s 7 r/w 25(1-A) Arms Act, 1959 in default to undergo one month imprisonment. Other accused were acquitted.

(III) Chennai City 'Q' Branch, CID, Cr.No.2/2001 u/s 419, 420 r/w 34 IPC, 465, 468 and 471 IPC r/w 34 IPC and Sec. 12(1)(c) of Passport Act, 1967

Sri Lankan Tamil Sivakumar (50) s/o Thiyagaraja, (sympathiser of LTTE) concerned in Chennai City 'Q' Branch, CID, Cr.No.2/2001 u/s 419, 420 r/w 34 IPC, 465, 468 and 471 IPC r/w 34 IPC and Sec. 12(1)(c) of Passport Act, 1967, was convicted and sentenced to undergo 2 years RI for the offences committed u/s 420 r/w 34 IPC and also to undergo one year RI for the offences committed u/s 12(1)(c) of Passports Act, 1967 on 29.7.2004 and that both the sentences to run concurrently.

(IV) Villupuram Town PS. Cr.No.50/93 u/s 3(1), 3(3), 4(1) and 5 of TADA Act, Sec.3 and 5 of Explosive Substances Act and 120(B) IPC.

The case in Villupuram Town PS. Cr.No. 50/93 relates to a bomb exploded at the Municipal Office Villupuram disfiguring the bronze Gandhi Statue on 25.1.1993. On the same day and at the same time 2 more explosions took place at Congress Offices at Kodavasal and Athur. The three cases were clubbed and investigated by 'Q' Branch CID. Investigation revealed that the TNLA activists were responsible for the blast.

The Designated Judge II, Chennai delivered judgment on 28.2.2006.

All the six accused, viz., 1) Soo @ Sundaram @ Anbalagan @ Periyavar 2) Venkatesan @ Radio @ Srinivasan @ Ravi @ Chinnappan, 3) Senguttuvan @ Kannaian @ Maran @ Manimaran @ Mannankatti, 4) Nallarasu @ Nallarasan @ Murali @ Mani @ Masihamani @ Marugan @ Arun @ Siva @ Alex, 5) Ravi @ Ravichandran @ Chinnadurai and 6) Sankar were convicted under five counts and sentenced to undergo 5 years RI each and Rs.100/- each in default 15 days imprisonment under each count. All the sentences are to run concurrently. The Judge also ordered that the detention already undergone during the period of remand was set off u/s.428 Cr.PC.

It is also pointed out that some of the cases registered earlier under the ambit of TADA Act as well as the Unlawful Activities (Prevention) Act are still alive and in many cases, some of the LTTE cadres and members of Tamilar Pasarai, Tamil National Retrieval Troop and Tamil Nadu Liberation Army, are still at large and efforts are still going on to secure them. In Rajiv Gandhi assassination case, the LTTE leader Prabhakaran and his Intelligence Chief Pottu Amman are absconding and were declared as 'Proclaimed Offenders', among others. The Supreme Court in its judgment clearly established the role of LTTE in Rajiv Gandhi assassination. Several key LTTE operatives were convicted but the sentence to death by hanging awarded to some of them are yet to be executed. The Multi Disciplinary Monitoring Agency (MDMA), SIT, CBI constituted to probe the conspiracy angle in the Rajiv Gandhi assassination

case and to locate the absconding accused is actually probing the matter.

- i) Kullanchavadi PS Cr.No.346/93 u/s 147, 148, 151, 307, 332, 386 r/w 149 IPC and Sec.4 & 5 of Tamil Nadu Property (Prevention of Damages and Loss) Act, 1993, Sec. 3 of Explosives Act and Sec. 3,4,5 and 6 of TADA Act. Murugesan, a TMLA cadre after his release on bail had established connection with Veerappan, is absconding.
- ii) Ammapet PS Cr.No.429/94 u/s 120(B), 302, 307, 114, IPC Sec.3 and 5 of Explosives Substances Act, 1908, Sec. 25(1) (a) Arms Act, 1959, Sec. 3 r/w 6(1)(A) of Indian Wireless Telegraphic Act, 1933, Sec. 3(2)(1) and (ii)3(3), 3(4) and 5 of TADA(P) Act, 1987.
- iii) Chintadripet PS CR.No.354/95 u/s 223, 224, 34, 109 IPC and Sec. 14 r/w 3 and 4 of Foreigners' Act 1946.
- iv) Andimadam PS Cr.No.234/97 u/s120(B), 147, 148, 450,332, 395, 397 IPC r/w Sec. 4 & 5 of Explosive Substances Act, 1908 and Sec.3(1) of Tamil Nadu Public Property (Prevention of damages and Loss) Act, 1992.
- v) Manamelkudi PS Cr.No.161/96 u/s 7 of Arms Act r/w 25(1) (c) Arms Act, Sec.13 of Unlawful Activities (Prevention) Act r/w Sec.12 of Indian Passport Act @ 120(B) IPC, 13(2) Unlawful Activities (Prevention) Act, Sec. 25 (1)(A) of Arms Act r/w 7 of Arms Act, 1959.
- vi) Vellore North PS Cr.No.889/95, u/s 224, 225 @ 120(B) IPC, 109 IPC, r/w sec. 14 of Foreigners Act.
- vii) Dindigul Taluk PS Cr.No.1212/91 sec.3 to 6 of TADA Act.

viii) Chennai City R-2 Kodambakkam PS Cr.No.1205/90 u/s 120(B) and 302 IPC r/w sec.3 of TADA Act.

B. Fresh cases registered during the period in question, i.e. May 2004 to May 2006, and some of these cases have already resulted in conviction

List of the cases which are registered during the period in question is as under :-

1.	Thiruchuzhi PS Cr. No.302/04 u/s 124(A), 153 IPC was registered on 25.11.04	On the eve of LTTE leader Prabhakaran's birthday on 25.11.04, Velram, s/o. Thanuskodi Nadar of Thiruchuzhi, Virudhunagar district pasted a handwritten poster in a thatti board and exhibited in front of his "Maaveeran Padipagam". The contents of the posters is "November 26 as birthday of Prabhakaran; Resurgence day for Tamils in the World." As per this FIR it was against the sovereignty of Indian Government and created an unpleasant situation.	Under Investigation
2.	Thiruchuzhi PS Cr.No. 97/05 u/s 505(1)(a)(b) IPC	On 4.5.05, Velram, founder of Tamil Nadu Viduthalai Iyakkam (Tamil Nadu Liberation Movement), exhibited copies of pamphlets, announcing formation of a separate organization and demanding a separate State for Tamils in India. FIR mentions that the poster had tendency to effect the minds of the public which may affect the peace and tranquility of the people. On seeing the posters, it discloses how the poster insulted the Indian Government and its political leaders with filthy language and how they could insult the language, race and community.	He admitted the offence and convicted one year RI.
3.	Thiruchuzhi PS. Cr.No. 100/05 u/s 505(1)(b) and (c) IPC	On 4.5.05, Velram, founder of Tamil Nadu Viduthalai Iyakkam and resident of Thiruchuzhi, Virudhunagar district exhibited copies of pamphlets, demanding a separate State for Tamils in India.	Pending trial.

4.	Sellur PS Cr.No. 3224/05 u/s 13 of the UA(P) Act, 1967, 153A, 504,505 IPC	On 15.12.2005, wall posters saluting Abdul Rahopf, who had self immolated himself on 15.12.1995 for Eelam Tamils, demanding the Central Government to revoke the ban imposed on LTTe and to recognize Eelam Liberation, were found pasted at Goripalayam, Sellur areas and in some city buses in Madurai.	Charge sheet filed on 30.12.2005 but not taken on file.
5.	Watrap PS Cr.No. 504/05 u/s 3 r/w 39(1)(2) of the UA(P) Amendment Act, 2004 and 153(A), 504, 505 IPC	Similar wall posters were also found pasted at Watrap on 15.12.2005. In the FIR it is inter alia stated as under: We went near there and read the posters. The posters contains that December 15 our salute to Abdul Rasoop, who immolate himself for the same of Eelam favours. Indian Government should lift the ban against Tigers and recognized Tamil Eelam Liberation. Tamil Tamilar Iyakkam. Indian Government laid ban on LTTE Movement in Tamilnadu. They brought up a Poster against the Indian Government and pasted it to read by public. We considered that this would affect the integration and security of Indian Government. We also considered that people would fear as the previous activities of Tigers was not satisfactory.	District Collector has been addressed for getting sanction of prosecution order.
6.	Rameswaram Temple. PS Cr.No. 112/04 u/s.13(1)(2) of UA(P) Act, 1967	The Commander, Naval Detachment, Rameswaram and his party during patrolling, secured 27 Sri Lankan Tamils with a Sri Lankan boat 7D 7898 MNR. - 'Gowthaman' mecha-	
		nized boat (fitted with 2 suzuki engines) at Agnithoorthakalai in Rameswaram at 0015 hrs. on 17.6.2004 when it was about to set out for Sri Lanka. On examination they were found to be in possession of the following :- Motorola Cell Phone - 1 Boat Anchor - 1 Syed Beedi - 1,11,524 Nos. Petrol - 100 litres Panparag - 360 packets Ayurvedhic medicines - 20 packets Tablet - 2 OBM Propeller - 1 Plastic Cans (Empty) - 4 and house hold goods	

7.	Uchipuli PS Cr.No. 248/04 u/s 13(1)(a) of UA(P) Act, 1967 and Sec.14 of Foreigners Act, 1946	Arrest of Sri Lankan Tamils for not being in possession of valid travel documents to enter into India. 2000 packets (in 20 bundles each containing 100 packets) of 'Pan Parag', 160 bundles of thread, were seized from their possession.
8.	Rameswaram Town. PS Cr.No. 124/04 u/s.13(1)(2) of UA(P) Act, 1967	Lingam along with three others of Rameswaram were found moving at Vadakadu seashore on 30.6.2004 and started running on seeing the police. Police chased them and secured Lingam, while the remaining three escaped. Police seized a can containing 120 litres of diesel from the possession of Lingam. He confessed that the diesel was meant for smuggling to Sri Lanka with the help of Sri Lankan Tamil refugees by ferrying them to Sri Lanka in an illicit boat.
9.	Uchipuli PS Cr.No. 32/05 u/s. 120(B) r/w 126, 109 IPC and 12 of Passport Act, 1948, 14(A)(B) of Foreigners Act, 1946	Boominathan, Sri Lanka, an LTTE agent Under and his associate Moorthy (28/05) s/o. Investigation. Govindarajan Thevar, West Street, Perangulam village, Uchipuli, an Indian National, were arrested on 6.7.2005 near Irumeni Seashore, Uchipuli, Ramnad district, when they attempted to transport Sri Lankan Tamil refugees and smuggle goods to Sri Lanka by illegal means. Interrogation revealed that Boomi @ Boominathan was not having any valid documents.
10.	Rameswaram Town. PS Cr.No. 292/05 U/s. 153(a), 120(B), 109 IPC and 12(a) of Passport Act, 1967 r/w Sec. 14 (A) (B) of Foreigners Act, 1946 and Section 13(i) and (ii) of UA(P) Act, 1967	A Sri Lankan Tamil Anandaraja @ Case ended in Anandan @ Jeya, s/. Amirthanathan, 4th conviction. Circle, Mannar Town, Sri Lanka, three local LTTE agents, who attempted to transport Sri Lankan Tamil refugees of various refugee settlement illegally to Sri Lanka from Rameswaram seashore, were arrested at Olaikuda seashore, Ramnad on 24.7.2005.
11.	Thoothukudi Central PS Cr.No. 1425/05 u/s. 5(a)(b) of Explosive Substances Act, 1908	Rock Fernando (35), s/o. Devanesan, 5 th Pending trial. Street, Boopalarayarpuram (TUT) was arrested by 'Q' Branch CID at Bethu Lodge, near old Bus Stand (TUT) on 14.8.2005 for being in illegal possession of 5 power gelatine sticks and 5 electric detonators. Sivaraj,

Doovisapuram (TUT), who sold the above explosives to Rock Fernando, was also arrested. These explosives were the sample to be sent to Sri Lanka on order of five lakhs of electric detonators.
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Brief description of some of these cases, as given in the affidavit of PW-1, is as follows :-

I) Rameswaram Temple PS.Cr.No.112/2004 u/s.13(1)(2) of Unlawful Activities (Prevention) Act 1967.

a) The Commander, Naval Detachment, Rameswaram and his party during patrolling, secured 27 Sri Lankan Tamils with a Sri Lankan boat 7 D 7898 MNR- 'Gowthaman' mechanized boat (fitted with 2 suzuki engines) at Agnitheerthakarai in Rameswaram at 0015 hrs on 17.6.2004 when it was about to set out for Sri Lanka. On examination they were found to be in possession of the following :-

Motorola cell phone-1
Boat Anchor-1
Syed Beedi-1,11,524 Nos
Petrol – 100 Litres
Panparag – 860 Pockets
Ayurvedhic medicines-20 pockets
Tablet-2,
OBM.Propeller-1
Plastic cans (empty)-4 and house hold goods.

b) Anthonysamy s/o.Ayyapillai of Rameswaram, an agent and Thiagarajan, (Gr-I. P.C.1782-Tirunelveli) s/o.Angusamy, Rameswaram, were also secured along with 27 Sri Lankan Tamils. The two drivers of the boat are said to have escaped. In this connection, a case in Rameswaram Temple PS. Cr.No. 112/2004

u/s.13(1)(2) of Unlawful Activities (Prevention) Act 1967 was registered.

II) Uchipuli PS Cr.No.248/2004 u/s 13 (1)(a) of Unlawful Activities (Prevention) Act, 1967 and Sec.14 of Foreigners Act, 1946.

Three Sri Lankan Tamils viz: i)Idhayathullah (31) s/o Meeran, ii)Mohaideen (47) s/o Sahul Hameed of Pesalai, Mannar, and iii)Kadhar (39) s/o Vaipathar, Karukkal, Mannar, were arrested at Irumeni seashore, Uchipuli PS limits, Ramnad, on 25.6.2004 for not being in possession of valid travel documents to enter into India. 2000 packets (in 20 bundles each containing 100 packets) of 'Pan Parag', 160 bundles of thread, were seized from their possession. A case in Uchipuli PS Cr.No.248/2004 u/s 13 (1)(a) of Unlawful Activities (Prevention) Act, 1967 and Sec.14 of Foreigners Act, 1946 has been registered.

III) Rameswaram Town PS Cr.No.124/2004 u/s 13(1)(2) of Unlawful Activities (Prevention) Act, 1967.

Lingam (37) s/o Villi, Velankulam village, Kolankulam PS limits, Ramnad, now residing at Rajagopal Nagar, Rameswaram, Ramnad, along with three others viz: i) Nethaji s/o Angusamy Thevar, ii)Ramesh s/o Karthikaisamy Thevar, and iii)Surya of Rameswaram were found moving at Vadakadu seashore on 30.6.2004 and started running on seeing the police. Police chased them and secured Lingam, while the remaining three escaped. Police seized a can containing 120 litres of diesel from the possession of Lingam. He confessed that he and three others had the diesel for

smuggling to Sri Lanka with the help of Sri Lankan Tamil refugees by ferrying them to Sri Lanka in an illicit boat. A case in Rameswaram Town PS Cr.No.124/2004 u/s 13(1)(2) of Unlawful Activities (Prevention) Act, 1967, has been registered.

IV) Uchipuli PS.Cr.No.325/05 u/s 120(b) r/w 126, 109 IPC and 12 of Passport Act 1948, 14(A) (B) Foreigners act, 1946

Sri Lankan Tamil Boomi @ Boominathan (50/05) s/o Ramuthevar, Nanattan village, Mannar district, Sri Lanka, an LTTE agent and his associate Moorthy (28/05) s/o Govindarajan Thevar, West Street, Perangulam village, Uchipuli, an Indian National, were arrested on 6.7.2005 near Irumeni Sea shore, Uchipuli, Ramanad district, when they attempted to transport Sri Lankan Tamil refugees and smuggle goods to Sri Lanka by illegal means. During the interrogation, it reveals that Boomi @ Boominathan is not having any passport or any valid documents. In this connection, a case in Uchipuli PS.Cr.No.325/05 u/s 120(b) r/w 126, 109 IPC and 12 of Passport Act 1948, 14(A) (B) Foreigners act, 1946 was registered against them and they were lodged in Central Prison, Madurai. Boominathan @ Boomi s/o Ramuthevar, a notorious smuggler was already convicted in Ramanathapuram Customs OR No.5/2000 u/s 11 of Customs Act for smuggling petrol, diesel and engine oil to LTTE. He was also concerned in Ramanathapuram Customs OR No.6/2000 in connection with the seizure of brown sugar worth about Rs.2,00,000/-.

V) Rameswaram Town PS.Cr.No.292/05 u/s 153 (a), 120(B), 109 IPC and 12(a) of Passport Act, 1967 r/w Section 14 (A)(b) of Foreigners Act, 1946 and Section 13(i) and (ii) Unlawful Activities, 1967

A Sri Lankan Tamil Anandaraja @ Anandan @ Jeya s/o Amirthanathan, 4th circle, Manjar Town, Sri Lanka and three local LTTE agents (i) Denniston (32) s/o Justin Fernando, Anna Nagar, Rameswaram (ii) Namburaja @ Nambu (28) s/o Naganathan, Big Mosque Street, Rameswaram and (iii) Balamurugan (23) s/o Ganesan, Valalar Street, Nattarasan Kottai, Sivagangai district, who attempted to transport Sri Lankan Tamil refugees of various refugee settlements illegally to Sri Lanka from Rameswaram seashore, were arrested at Olaikuda seashore, Ramnad on 24.7.2005. A case in Rameswaram Town PS.Cr.No.292/05 u/s 153 (a), 120(B), 109 IPC and 12(a) of Passport Act, 1967 r/w Section 14 (A)(b) of Foreigners Act, 1946 and Section 13(i) and (ii) Unlawful Activities, 1967 was registered.

VI) Thoothukudi Central PS Cr.No.1425/2005 u/s 5 (a) (b) of Explosive Substances Act, 1908.

Rock Fernando (35) s/o Devanesan, 5th Street, Boopalarayarpuram (TUT), was arrested by 'Q' Branch CID at Bethu lodge, near old Bus stand (TUT) on 14.8.2005 for being in illegal possession of 5 power gelatine sticks and 5 electric detonators. Sivaraj, Doovisapuram (TUT), who sold the above explosives to Rock Fernando, was also arrested. In this connection a case in Thoothukudi Central PS Cr.No.1425/2005 u/s 5 (a) (b) of

Explosive Substances Act, 1908, has been registered on 15.8.2005.

These explosives were the sample to be sent to Sri Lanka on order of five lakhs of electric detonators.

C. Various speeches given by the sympathizers, supporters and agents of LTTE on Indian soil, including the pamphlets and posters circulated and pasted, and the newspaper reports giving account of such speeches, etc.

I)

a) Mr. Prabhakaran, in his speech on the eve of 30th anniversary of LTTE, inter alia, exhorted that the Tamil race should get liberated during the period of the present national leader and pledge was taken to "unite the Tamils for the success of the nation, leaders ambition and the dream of the great soldiers should become true" (as reported in 'Southern News' dated 2005 May 16-31) thereby hinting at uniting all Tamils for the ambition of one single Tamilian State.

b) Members of Thanthai Periyar Dravidar Kazhagam conducted a Conference on 9.4.05 at Chellam Sundaram Meenakshi Maligai, Madurai. Tr.Abdul Khader, a speaker of the conference stated that Prabhakaran is controlling a self disciplined army capable of creating a separate nation for Tamils. They can do anything for the liberation of Tamil Eelam.

c) Members of Tamil Desiya Munnani conducted a public meeting at 60 feet Road, Sellur, Madurai on 14.12.2005 in connection with

Tamil culture and freedom of speech. Anandan (Madurai District Organiser), Thiyagu (Organising Committee Member, TDM) and P.Maniarasan (State Organiser, TDM) were the prominent participants. Rasu, in his speech, questioned whether Hindu Ram and "Thughlak" who reiterate freedom of expression for Kushboo, will come forward to support Eelam Tamils who are fighting for their cause. P.Maniyarasan, Organizer, Tamil Desiya Munnani, said that Prabhakaran is now 50 years old, and he became the father of Tamil Nationalism at the age of 40-45. He said that, except Prabhakaran no leader in the world fights for Liberation of a nation at such a young age.

II)

From the following incidents it is trite to urge that demand of LTTE for Tamil Eelam concept finds a strong echo in Tamil Nadu due to linguistic, cultural, ethnic and historical affinity between the Sri Lankan Tamils and the Indian Tamils in Sri Lanka and the pro-LTTE groups will always try to stimulate the secessionist sentiments and enhance their support base for LTTE in Tamil Nadu.

- i) V.Suryanarayanan, Former Director, Madras University South and Southeast Asian Studies, on 3.6.2004 said the emergence of a third naval force in the Sri Lankan waters – The Sea Tigers, Naval wing of the Liberation Tigers of Tamil Eelam – posed a grave threat to

the interests of India and Sri Lanka. The "Policy of drift" on the part of India and Sri Lanka should stop and the Sea Tigers had to be neutralized. "That requires considerable political will", he said.

The Sea Tigers had emerged as a credible fighting force in recent years and a large part of the Sri Lankan side of the Palk Bay was under its control, he said (The Asian Tribune – 4.6.2004).

- ii) Frustrated with the shifting stand of the Sri Lankan Government on the issue of discussing the Interim Self Governing Authority (ISGA) for the Tamil North Eastern Province (NEP), and the undercover attempts to drive a wedge between Eastern and Northern Tamils, the LTTE has hinted that it may have to resume hostilities. In an interview to the Sudar Oli daily on Thursday, the LTTE's political wing leader, SP Tamilchelvan, said that Prabhakaran was determined to realize the aspirations of the Tamil people. (The Hindustan Times, dated 18.6.2004).

- iii) The Liberation Tigers of Tamil Eelam (LTTE) on 23.6.2004 opened recruitment for "volunteers" from "citizens of Tamil Eelam" to join the "Tamil Eelam auxiliary force." A front-paged report in the Tamil daily, Sudar Oli, said announcements were made in eastern Sri Lanka calling applications from able-bodied male and female volunteers between aged 18-28 to join the "auxiliary force." A monthly salary of Rs. 8,500 (around \$ 85) has been offered for volunteers, who have been asked to apply at an

LTTE 'police station' in the eastern Batticaloa district before June 30. The announcement was made by the personnel division of the 'Tamil Eelam Police Force,' the newspaper said, (The Hindu, dated 24.6.2004).

iv) S. Elian, Trincomalee district political head of the LTTE addressing the Black Tigers Day celebrations on 6.7.2004, said that the LTTE has emerged as a strong liberation force in the world because of the sacrifice of the Black Tigers' and that though the LTTE do not want to be responsible for the outbreak of the fourth Eelam War, the LTTE prepared to face a war if it is thrust on them. He added that their goal is to achieve Tamil Eelam. However, agreed to consider a federal concept based political solution to the Tamil cause. Thus ensuring self determination in their homeland. He alleged that the Sri Lankan Government suspects the integrity of the LTTE. He further said that the Government should take a firm stand and a positive decision to take forward the peace process. (Tamil Net, dated 7.7.2004).

v) A suicide bomber killed herself and four policemen on 7.7.2004 in the high-security area in Colombo. The woman was being escorted to a police station right opposite to the US and British diplomatic missions in the capital when she detonated explosives strapped to her body, police said. "A total of four constables were killed and another 12 wounded when police tried to question her," a police

officer told. She had gone to the nearby ministry of Tamil Minister Douglas Devananda but was not allowed to go in," he said adding, "the security guards alerted the police who went there and brought her to the station for questioning. She refused to be searched and set off the attack." Prime Minister Mahinda Rajapakse was in his adjoining Temple Trees official residence when the attack took place and heard the powerful blast, officials said. The US embassy and the British High Commission are located right in front of the Kollupitiya police station where the attack took place. (PTI – 7.7.2004).

- vi) A woman accomplice of the suicide bomber was on 8.7.2004 arrested and remanded. Earlier the suicide bomber had been already identified as Thiagarajah Jeyarani (29) a resident of Manipay, Jaffna. According to an earlier report, the female suicide cadre Jeyarani was accompanied by another woman and entered the second floor where Douglas Devananda's office was located. The police has now arrested the so called "another women" alleged to be Sathya Leela³ Selvakumar (29) of Jaffna, who was earlier in the employ of Douglas Devananda until April this year. The statement made by Sathya Leela, the accomplice of the LTTE women suicide bomber implicates Liberation Tigers Tamil Eelam's deep involvement in the suicide bombing attempt to kill Douglas Devananda, the Leader of the Eelam People's Democratic Party and a government minister with cabinet status. Sathya Leela in her

statement to the Police said that she had been earlier in the employ of Douglas Devananda, and was paid Rs. 7,000 per month but the EPDP leader terminated her employment in April this year. She said that subsequently, she left for Jaffna and joined LTTE woman leader Guna. According to her the LTTE woman leader had asked her to meet 'Akka' alias Jayarani - LTTE woman suicide bomber, near Minister Devananda's office on 7.7.2004, and accompany her to the Minister's office. (Asian Tribune – 9.7.2004).

- vii) A woman suicide bomber who set off a blast that killed herself and four policemen in the Sri Lankan capital Colombo may have been wearing a "bra bomb", police said on 13.7.2004. The device exploded as the attacker, who appeared to be in her late twenties, was being searched by two women constables at a police station after being detained by guards of a government minister. The two constables who escaped with injuries have said the woman had shown them her bare midriff to indicate she was not wearing an explosives-filled jacket usually worn by suicide bombers, inspector Palitha Siriwardena said. Colombo's police chief Sirisena Herath said the remains of the woman indicated the explosives were around her chest and pointed to her having worn a bra bomb, although the forensic report was yet to be finalized. Tiger rebels have denied involvement in the suicide bombing which the government said was intended for Hindu Religious Affairs Minister

Douglas Devananda, who is a staunch opponent of the Tamil Tigers. It would be the first case of a bra bomb encountered by police in Sri Lanka. (The Himalayan Times - 14.7.2004).

- viii) The LTTE on 27.11.2004 threatened to resume the "freedom struggle" if the Sri Lankan Government did not resume the peace talks on the basis of its proposal for an interim self-rule. "We urge the government to resume the peace negotiations without conditions, based on our proposal for an Interim Self-Governing Authority (ISGA). If the Government of Sri Lanka rejects our urgent appeal and adopts delaying tactics, perpetuating the suffering of our people, we have no alternative other than to advance the freedom struggle of our nation," said LTTE leader, Prabhakaran in his annual Heroes' Day speech. Claiming that the Tamils could not continue to "live in the darkness of political uncertainty, without freedom, without emancipation, without any prospects for the future", he said "the LTTE has borderline of patience and expectations". Prabhakaran called upon the concerned international governments "to understand our predicament and prevail upon the Sri Lankan government to resume peace talks based on our fair and reasonable stand". He said that if some elements of the proposals were deemed problematic or controversial, these issues could be resolved through discussions at the negotiating table. "Once the interim administrative authority is

institutionalized and becomes functional we are prepared to engage in negotiations for a permanent settlement to the ethnic problem. That is our position," he said. (UNI – 27.11.2004).

- ix) The LTTE have acquired one Swiss-built Turbo aircraft to strengthen the outfit with aerial warfare capability that may give them the advantage of a first strike capability in the event of the ongoing peace talks fail and in the breaking out of hostilities. (Indian Express – 7.2.05).
- x) LTTE warned on 22.2.2005, the day of third anniversary of the ceasefire between the two sides, that a ceasefire after two decades of civil war was at breaking point following the killing of one of their top cadres. In Kilinochchi, LTTE's political head S.P.Tamilchelvyan accused Sri Lanka's military of mounting a clandestine war. (Khaleej Times – 23.2.2005).
- xi) The LTTE had flung grenades and fired shots towards the Mahindapura army camp on 19.04.05 but the army had not retaliated, military spokesman Brigadier Daya Ratnayake said. He said the LTTE had attacked the camp in the hope of provoking the military to retaliate and violate the ceasefire to give them an excuse to go back to war. He also said that the Wanni LTTE cadres had fired several rounds of small arms fire over the Mahindapura Army checkpoint during the past three days in breach of the three

year old ceasefire agreement. The Armed Forces have lodged complaints with the SLMM regarding this latest breach of the ceasefire by the LTTE. (The Island – 20.4 .05).

- xii) Six LTTE cadres, residents of Dehiwela, Ratmalana, Mount Lavinia, Peliyagoda and Kelaniya areas, who had arrived in Colombo on an alleged 'secret mission' of launching a series of attacks on certain vulnerable places situated in Colombo, were arrested by Police on 7.7.2005. Police had also recovered one T-56 weapon, three T-56 magazines with 80 rounds of ammunition, one micro pistol with three magazines containing 25 rounds of ammunition and two hand grenades from their possession. (The Lanka Truth – 8.7.2005).
- xiii) S.P. Tamilchelvan, Head of the Political Wing of the LTTE, has told the 21 Tamil National Alliance Members of Parliament who were summoned to Kilinochchi on 17.7.2005 for a briefing, that war is inevitable. He has told them categorically that there is no alternative to war. When replying to a question raised by Sampanthan, the leader of the TNA Parliamentary group, Tamilchelvan said, "Don't worry about the international community opposing the war, there are foreign countries that are willing to support us." (Asian Tribune, dated 18.7.2005).

- xiv) Sri Lanka's Foreign Minister Lakshman Kadirgamar, a hardliner against Tamil Tigers, has been killed by unidentified assailants in Colombo on 12.8.2005 night. The Oxford educated Foreign Minister was shot between 10 pm and 11 pm and succumbed to his wounds at 12.15 am. (The Hindu, dated 13.8.2005).
- xv) LTTE leader Velupillai Prabhakaran has given the green light for assassination of Lakshman Kadirgamar, after latter's call on the LTTE to follow the IRA example and give up arms. This was stated by several democratic Tamil leaders including V.Anandasangharae of Tamil United Liberation Front (TULF) and Douglas Devananda of Eelam Peoples Democratic Party (EPDP). (Asian Tribune, dated 16.8.2005).
- xvi) Tamileelam TV to begin broadcasts to South East Asia.

A satellite TV station called National Television of Tamil Eelam (NTT) started beaming news to Europe from an undisclosed location in Sri Lanka's northeast from 26.03.05. The NTT logo shows the flower, "Karthigaipoo" or Gloriosa Lily declared as national flower of Eelam Tamils in 2003. Television broadcast of the National Television of Tamileelam (NTT) to South East Asian countries was inaugurated at the Media Coordinating office in Kilinochchi on 29.7.2005. K Veera of NTT, while speaking said the importance given to nurture electronic and printed media by the

Tamil Eelam leader Prabhakaran was to extend our Television services to countries in Asia. The new service would be seen in India, parts of Pakistan, Afghanistan, Bangladesh, Nepal, Myanmar and China from 1.8.2005 for two hours between 13.30 to 15.30 GMT. (Tamill Net, dated 30.7.2005).

xvii) Military strength, Vigilance key to our freedom – Pottu

Amman

a) "The Tamil people, having dissociated themselves from the political choice of Sri Lankan nationalism, have unequivocally demonstrated their trust in their own leadership. They have categorically told the Sinhala people to take care of their own nationalism," said LTTE Intelligence Chief Pottu Amman, in a homage ceremony held at a mausoleum gallery in Elephant Pass, on 24.11.2005 where, more than 3500 photographs of LTTE fighters were venerated in an exhibition.

b) "The Tamil nation gained unprecedented strength through our military feats in the series of battles in Vanni against Sri Lankan armed forces who were intent on annihilating us. This success was made possible because our leaders never lost confidence to confront the enemy even after the occupation of Jaffna by the Sri Lankan Forces and the attempted rout by the Indian army. "The sacrifice of the lives of martyrs will be worth only when we are victorious in achieving unfettered sovereignty," the senior LTTE commander said.

xviii) Commander of LTTE's Sea Tigers, Col. Soosai, Commander of the LTTE's northern front forces, Col. Theepan, LTTE's Political Head of the Women Wing, Thamilini, and several other commanders, officials, cadres and the public attended the event.

(Tamil Net, dated 25.11.2005).

xix) Hero's day statement by Prabhakaran, LTTE leader:

a) The leader of the LTTE, in his annual Heroes' Day statement on 27.11.2005 made an urgent appeal to the new Sri Lanka Government to offer a reasonable political solution to the ethnic conflict without further delay. The Tamil Tiger leader cautioned the Government that his liberation organization would intensify the struggle for self-determination and political independence if the new regime adopts a hard-line position and fails to resolve the problems of his people.

b) The LTTE leader said that a critical elucidation of President Rajapakse's policy statement revealed that he has failed to grasp the fundamentals, or rather, the basic concepts underlying the Tamil national question. Since President Rajapakse is considered to be a realist, committed to pragmatic politics we wish to find out, first of all, how he is going to handle the peace process and whether he will offer justice to our people. Therefore we have decided to wait and observe, for sometime, his political maneuvers and actions', the leader commented.

c) 'If the new government rejects our urgent appeal, opts for a hard-line position and adopts delaying tactics, we will, next year, in solidarity with our people, intensify our struggle for self-determination, our struggle for national liberation to establish self-government in our own homeland' Prabhakaran asserted.

d) 'We are deeply disappointed to note that neither the Sinhala nation nor the international community has understood the spiritual significance, the historical importance of the immense sacrifice made by the Tamil people for the liberation of their nation', the LTTE leader lamented. (Tamil Net, dated 27.11.2005).

xx) Rules guide on use of Tamileelam National flag published

The Tiger symbol of LTTE created in 1977, was designated as the National Flag of Tamileelam in 1990, differentiating it from the LTTE's emblem by leaving out the letters inscribing the movement's name. LTTE on 26.11.2005 released an updated version of the guide providing instructions and explaining the correct usage of the Tamileelam National Flag. The guide written in Tamil specifies the regulations for flying alone or with national flags of other countries, and for general handling of the flag. The National Flag has four colours, yellow, red, black, and white. (Tamil Net, dated 26.11.2005).

xxi) LTTE stormed a state-run hospital in Vavuniya, Sri Lanka, a government-held garrison town that borders territory held by the rebels, killing a police guard and rescuing a woman comrade, who

had swallowed cyanide when she was arrested on suspicion of being an LTTE member. On 11.12.2005, around 10 LTTE cadres entered the hospital in Vavuniya, a government held garrison town that borders territory held by the rebels. They shot an armed policeman and ordered four unarmed officers to leave, the Media Unit of the Defence Ministry said. (AP – 12.12.2005).

xxii) At least 20 police constables were injured when unidentified men, suspected to be LTTE cadres, hurled a powerful grenade at a police station at Pesalai, in Mannar district in the Northern province of Sri Lanka on 12.12.2005. (The Hindu – 14.12.2005).

xxiii) Suspected LTTE rebels on 14.12.2005 damaged a Sri Lankan military helicopter in the first attack on an aircraft since a 2002 truce, as soldiers in the north searched houses for hidden weapons. "The helicopter came under fire. It had two bullet holes and minor damage and definitely it was a terrorist action," said air force spokesman Group Captain Ajantha Silva, blaming the LTTE. (reuters.com – 15.12.2005).

xxiv) Suspected LTTE rebels on 23.12.2005 blew up a convoy in the northern Mannar district, killing at least 13 sailors and injuring several others. The 30 sailors were travelling in two vehicles when they were ambushed near Pesalai. The convoy was caught in two simultaneous explosions, after which the sailors were attacked with rocket propelled grenades and small arms. (UNI – 23.12.2005).

- xxv) Suspected Tamil Tiger rebels on 7.1.2006 blew up a Sri Lankan Navy gunboat in a daring suicide attacks killing five sailors, with ten others missing and presumed dead. Govt. said the LTTE carried out the attack against one of the two gunboats that went out from the northeastern port of Trincomalee. It was the biggest single loss suffered by the military since the recent agreement. (The New Sunday Express – 8.1.2006).
- xxvi) The Tamil Tiger Air force is ready to launch attacks on the Sri Lanka Government's armed forces, if Eelam War IV breaks out, warns Colonel Bravo Bahnu. This was the first time the Tamil rebel outfit openly admitted the prevalence of an Air force which was inducted as their another fighting unit. A rural self-defence training and drill program to the villagers was launched on 1.1.2006 at Eeralakulam village. Colonel Bahnu participated in the commencement of the village level training and disclosed about the Tamil rebel outfit's Air Force which is ready for combat. (Asian Tribune 11.1.2006).
- III) From the following activities of the LTTE cadres/drop-outs, it is trite to suggest that the cadres sent to Tamil Nadu would ultimately be utilized by the LTTE for unlawful activities.
- (a)
- i) On 3.9.2004 at Anna International Airport terminal car parking near left luggage room, the Sub. Insp. of Police, Airport PS picked up two persons namely Sivanandam and Saravanan with 7 Compact

Discs (CDs) on suspicious ground and found the seized CDs recorded with the activities of LTTE. In this connection a case in Airport PS.Cr.No.174/2004 u/s.13(i)(ii) Unlawful activities (Prevention) act 1967 was registered.

- ii) Enquiry revealed that Sivanandam (26) s/o.Ramasamy , 15, Aadiyapatham street, Mannadi, Chennai, a textile businessman often visits Colombo for business purpose. During the recent visit to Colombo, he was asked by one Selvakumar , a textile show room owner at Colombo to take 7 CDs to Chennai stating that the same will be collected by one Saravanan (34) s/o.Muthaiah, No.23, Son Krishna Nagar, West Tambaram, Chennai 45 at Chennai Airport. Sivanandam arrived at Chennai on 2.9.2004 by IC.574 and he was intercepted by the Customs Officers during customs clearance and enquired about the possession of the CDs. Later he was allowed to go on 3.9.2004 early morning after enquiry. When he contacted Saravanan, he was informed that the CDs should be delivered to one Senthilkumar of Selvam Nagar, Tambaram and they will come and collect at 16.00 hrs near Anna International Airport Terminal Luggage Room. As per their arrangement Saravanan went to receive the CDs from Sivanandam but Senthilkumar did not turn up. Both the accused Sivanandam and Saravanan were arrested by police and sent for remand. The 7 CDs were also seized.

iii) The contents of CDs are as follows:-

1. Oayatha Alaigal - I, II and III (Unceasing waves)
2. Amma Nalama - I and II (Mother Are you well)
3. Jayasikuru Ethir Samar – I (War opposing Jayasikuru)
4. Karum Kadarapuligal - VIII (Black Sea Tigers).

(b)

- i) Sri Lankan Tamils viz. Maheswaran (22) s/o Rajeswaran (LTTE Intelligence Wing, Vavuniya) and Rajan @ Devarajan (30) s/o Lingaraja, were arrested near Puzhal, Kavankarai by the 'Q' Branch, CID, Chengalpattu East district at 2015 hrs. on 11.10.2004. Enquiries reveals that Maheswaran with the help of his relative, Rajan @ Devarajan was staying in a rented house at Door No.27, Yacub's Flat, 28th Street, Kannappasamy Nagar, Kavangarai, Chennai. It is further reported that as advised by Aravamudhan, Intelligence Chief of LTTE, Vavuniya district, Maheswaran with the help of Devarajan making arrangement to buy 10 Hero Honda Motor cycles and send it to Sri Lanka through illegal sailing. Incriminating documents and diaries containing several phone number of LTTE cadres and entries of his activities in the Intelligence Wing, Samsung digital cellphone and Sri Lankan identity cards were seized from them. A case in G-3 Puzhal PS.Cr.No.534/2004 u/s 10, 13(1)(b) of Unlawful Activities (Prevention) Act, 1967 and Sec.14 of Foreigners Act, has been registered.
- ii) After the release on bail, Rajan @ Devarajan (30) s/o Lingaraja and Maheswaran s/o Devarajan were lodged in Chengalpattu Special

Camp on 21.12.2004 and 14.12.2005 respectively as per Government orders, issued u/s 3(2)(e) of Foreigners Act, 1946.

- (c)
- i) Sri Lankan Tamil Rathan @ Thiruselvam (38/05) s/o Ganapathi Pillai, No.352/4, Pandaravanniyan Village, Karselaimeedu, Ootusuttan, Mullaitheevu district, Sri Lanka was arrested on 24.4.2005 in G3 Puzhal PS.Cr.No.364/2005 under Para 7 of Foreigners Order, 1948, r/w Section 14 of Foreigners Act, 1946, for unauthorisedly staying in Puzhal Refugee Settlement without any permission/proper Government order. He was lodged in Central Prison, Chennai and subsequently released on bail on 6.5.2005.
 - ii) During the course of investigation, it came to light that the said Rathan along with his family entered Tami Nadu by boat during 1990 and stayed at Puzhal Refugee Settlement till 2002. Later, he left for Sri Lanka on the strength of Emergency Travel Document and returned to India with a valid passport (M 2292296, dt.3.3.2003, issued at Colombo) on 17.1.2004 and stayed at Puzhal Refugee Settlement without proper permission, with his wife Sharadha (ID Card No.1147) and son Dhanujan.
 - iii) Interrogation of Rathan @ Thiruselvan reveals that his mother Ponnammal and his brothers Sivakumar, Sivagnanam, Rajkumar,

Amaradasan are now residing at Karseelaimedu, Sri Lanka. His another brother Thirugnanam is now serving in Army Wing of LTTE and his wife is also in LTTE. His brothers Thavagnanam and Nandakumar, died during the war when they were in LTTE. During 1983, when Rathan @ Thiruselvan was inducted as a member of EPRLF through one Kamalesan, he took arms training. After completion of training, he was posted as Area Commander at Udayarkattle. Later, he fought against the Sri Lankan Army at Batticaloa, Trincomallee. During 1986, EPRLF was banned by LTTE.

- (iv) During 1990, he came to Tamil Nadu and was accommodated at Mandapam refugee settlement with identity card no.11755. After 10 months, he along with 2000 inmates were transferred to Puzhal Special Camp. On 7.4.2002, he left for Sri Lanka to see his ailing mother and returned to Tamil Nadu through illicit boat on 10.7.2002 along with Roopan, Rathi, Madusudanan, Suganthini. The Indian Navy handed them over to Thangachimadam PS. After enquiry, they were registered in Mandapan refugee settlement. 15 days later, he went to Puzhal refugee settlement with permission. Again, he along with Roopan left for Sri Lanka via Rameswaram through illicit boat with an intention to go abroad. When he went to see his mother at his native, he was invited by one Amaran,

LTTE at Pudukudieeru Camp. After making enquiry on EPRLF, arms training, on the attack of LTTE camp by EPRLF, murder, etc. for four days, he was let off on his mother's pleading. After three days, Kannappan and Amaran of LTTE, came to his house, gave two telephone Nos. 071 2750 386, 230 3743 and address of Soosaiappu Dharshini Vianayagapuram, Nachikuda, Mannar district, to pass on any information on reaching India. However, he denied that he has passed information to LTTE after his return to India..

- v) After his release on bail, Rathan @ Thiruselvam has been lodged in Chengalpattu Special Camp on 25.5.2005 vide. Government Orders issued u/s 3(2)(e) of Foreigners Act, 1946 to restrict his movements.

(d)

- i) Sri Lankan Tamil Kirupakaran @ Ranjan @ George @ Mohamed Ismail (33/2005) s/o Velupillai @ Abdul Hameed, 2nd Street, Pudukudiyiruppu, Mullaitheevu district, Sri Lanka, c/o Jainulabudeen, East street, Thirupalaikudi, Ramanathapuram, holding fake India passport bearing No. B.1274625 issued on 20.12.99, was arrested at Thirupalaikudi Bus Stand, Ramnad on 12.7.2005. A case in Thirupalaikudi PS.Cr.No.121/2005 u/s 12(b), 12(1)(a) of Passport Act, 1967 has been registered. He is a LTTE dropout.

ii) During the interrogation, it reveals that Kirubakaran underwent training from November 1989 for 6 months and was trained in handling AK 47 rifle along with physical exercises. In LTTE, his name was George. One Ramesh was his trainer. He was working under one Gulam, incharge of Manalaru LTTE camp. He attended sentry duties there. He participated in the attack on the Sri Lankan Army during 1991 and sustained a fracture on his right leg bone below the knee and under went treatment at Govt. Hospital, Jaffna for 6 months. After that he worked at Kanniyankadu LTTE camp under one Gracy who was incharge of the camp. During 1992, he wanted to quit LTTE and hence he presented a petition and he was pressed to serve as a cook in the LTTE camp at Manipai for 6 months as punishment. After that he was released from LTTE during the month of March 1993.

iii) After his release on bail, Kirubakaran was lodged in Chengalpattu Special Camp on 2.9.2005 vide. Government Orders issued u/s 3(2)(e) of Foreigners Act, 1946 to restrict his movements.

(e)

i) Sri Lankan Tamils (i) Vishu @ Viswanathan (26) s/o Chellaiah of Subramaniapuram refugee settlement, Tirunelveli district, (ii) Ashok @ Rameswaram (25) S/o Kathirvelu of Subramaniampuram Refugee settlement, Tirunelveli district and

- (iii) Senthil Jegan @ Gurusuriya (25) s/o Kalimuthu of Abdullahapuram refugee settlement, Vellore district, native of Ist Circle, Thalaimannar Pier, Mannar district, Sri Lanka, were arrested near Kambipadu Seashore, Rameswaram on 1.10.05 when they attempted to leave for Sri Lanka illegally. A case in Dhanuskodi PS.Cr.No.77/2005 u/s 14 of Foreigners Act, 1946 r/w violation of para 5(1)(b) Foreigners Order 1948 was registered. During the interrogation, it reveals that, Senthil Jegan went to Sri Lanka in a Sri Lankan boat during 7/2003, owned by Karatti of Sri Lanka and was doing coolie work in Pesalai. At that time, he had developed contacts with Altaf @ Ravi, a sea tiger and the latter brought him to Ranatheevu and renamed him as "Guna" (LTTE name) and assigned code No.72. He was given 6 months training in swimming and to handle AK 47 by Altaf @ Ravi. After the training period, he was posted for sentry duty and patrolling in the high speed plastic boat "Dolphin" in Mannar area.
- ii) During 2/2004 when conflict arose in LTTE between Prabhakaran faction and Karuna, Altaf @ Ravi, the Sea Tiger, worked in favour of Karuna group. Hence, fearing his life, Senthil Jegan escaped from the LTTE Ranatheevu Camp and reached Pesalai and gave Rs.4000/- to the Sri Lankan boat owner Rashiya s/o.Malairaja and came to Rameswaram.

IV) It is mentioned that the LTTE leaders have been cynical of India's policies and their organization in curbing their activities, as would be clear from the following :-

(i) After a long gap, Sri Lanka's Tamil Tiger guerrillas have publicly criticized India. A senior leader of the Liberation Tigers of Tamil Eelam (LTTE) accused New Delhi of following the same policy that led to the deployment of Indian troops in Sri Lanka's northeast in 1987. "India has been adopting the same policy it adopted with the induction of its army to the northeast in the pretext of providing security to Tamil people," the pro-rebel Tamil Net website quoted LTTE's Elilan as saying. Elilan, head of LTTE's political wing in the eastern district of Trincomalee, also threatened that the Tamil Tigers were ready for war. (The Himalayan Times, dated 26.9.2004).

(ii) Tamileelam TV to begin broadcasts to South East Asia

Television broadcast of the National Television of Tamileelam (NTT) to South East Asian countries was inaugurated at the Media Coordinating office in Kilinochchi on 29.7.2005. K Veera of NTT, while speaking said the importance given to nurture electronic and printed media by the Tamil Eelam leader Prabhakaran was to extend our Television services to countries in Asia. The new service would be seen in India, parts of Pakistan, Afghanistan, Bangladesh, Nepal, Myanmar and China from 1.8.2005 for two hours between 13.30 to 15.30 GMT. (Tamill Net, dated 30.7.2005).

iii) The leader of the LTTE, in his annual Heroes' Day statement on 27.11.2005 made an urgent appeal to the new Sri Lanka Government to offer a reasonable political solution to the ethnic conflict without further delay. The Tamil Tiger leader cautioned the Government that his liberation organization would intensify the struggle for self-determination and political independence if the new regime adopts a hard-line position and fails to resolve the problems of his people. (Tamil Net, dated 27.11.2005).

14. On the basis of the aforesaid material furnished in the evidence of the two witnesses in the form of number of criminal cases registered against the activities of LTTE, pro-LTTE elements as well as Tamil Chauvinist Groups as well as various other activities which have been noted above and also number of speeches and utterances in the form of pamphlets and posters etc., it is pleaded that the ban needs to be continued since the Act is an important tool available to the law enforcement agencies for controlling such activities. During the course of the arguments, it was revealed that Intelligence Agencies (IA) has been submitting confidential reports of certain period to the Ministry of Home Affairs, Government of India about the activities of Sri Lankan Tamil Terrorists' Group including LTTE in India. Copies of some of the reports were produced before me during arguments. These reports revealed that IA is closely monitoring the activities of these groups including LTTE. It is not necessary to state in detail of these reports disclosed; it would suffice to mention that as per

these reports even certain leaders belonging to some of the political parties and Tamil Chauvinist groups have been expressing support for the LTTE and eulogizing its leaders, while speaking in public meetings and other forms of programmes. As per these reports there have been spurt in the activities of the supporters of LTTE in last few months and some FIRs have also been registered against few persons. Another disturbing feature, which is revealed in the reports, is that there is a spurt of Sri Lankan Tamil Refugees who have been coming to India which may have various implications. Thus justification of further ban on LTTE is claimed on the following grounds:

- i) The LTTE, an extremely potent terrorist organization in Sri Lanka, has a strong potentiality in Tamil Nadu and certain pockets of southern India due to linguistic, cultural, ethnic, historical and geographical affinity between the Tamils in India and those in Sri Lanka. The LTTE continues to look at Tamil Nadu as a base for carrying out anti-India activities. The organisation assiduously cultivates the Tamil Chauvinist elements who are inspired by the Tamil Eelam concept of a separate Tamil Nadu i.e. secession from India.
- ii) Despite the efforts being made for peace talks, the LTTE is yet to give up violence as a means to achieve its ultimate goal of an 'Tamil Eelam'. In this milieu, the separatist Tamil chauvinist groups and pro-LTTE groups in Tamil Nadu and elsewhere in the country will foster a separatist tendency amongst the masses and enhance the support base for the organization in India leading to strong dis-integrating influence over the territorial integrity of India. The LTTE continues to indulge in smuggling of essential items including petrol, diesel and life saving drugs by using Indian Territory.

- iii) Some of LTTE cadres/sympathizers/drop-outs are arriving in Tamil Nadu despite the existing ban. If the ban were to be lifted, their activities would increase to the detriment of the security of the State and the chances of infiltration by the LTTE into the State would pose a grave threat to the sovereignty and territorial integrity of India.
- iv) Tamilar Desiya Iyakkam (TDI) having objective of supporting the cause of Liberation Tigers of Tamil Eelam and to attain self-determination for all States including Tamil Nadu was declared as 'Unlawful Association' under Section 15(2)(b) and 16(1) of the Criminal Law (Amendment) Act, 1908 (Central Act 14 of 1908) vide the State Government Notification in letter No. SS.I/457-2/2002 dated 13.8.2002 and the same is still in force.
- v) The Tamil Nadu Liberation Army (TNLA) and Tamil National Retrieval Troops (TNRT), the pro-LTTE organizations, supporting the cause of Liberation Tigers of Tamil Eelam and to attain self-determination for all States including Tamil Nadu were banned under Unlawful Activities (Prevention) Amendment Act, 2004 on 21.9.2004 as terrorist organizations and also declared as 'Unlawful Associations' by the State Govt. under Section 15(2)(b) and 16(1) of the Criminal Law (Amendment) Act, 1908 (Central Act 14 of 1908) and the same are still in force.
- vi) In various public meetings and conferences, the organizers/speakers indulged in hailing the struggle of the LTTE and its leader Prabhakaran and praised the LTTE that their liberation struggle is a holy one and it should not be denigrated. The undercurrent of this Tamil chauvinist secessionist ideology is being exploited by the

LTTE to propagate the concept of Greater Eelam. Similarly, the turbulence in Sri Lanka is being exploited by these pro-LTTE and Tamil chauvinist forces to drum up support for LTTE and its cause by taking out processions, demonstrations, etc. in spite of the ban, causing disquiet and threat to the security of the State.

- vii) The Government of Tamil Nadu has further intimated that cases were registered under the Unlawful Activities (Prevention) Act, 1967 against pro-LTTE elements and chauvinist groups between March, 2004 and January, 2006 besides under the provisions of the Indian Penal Code, Explosive Substances Act, etc. All these, especially the cases registered under the Unlawful Activities (Prevention) Act, 1967 have enabled a better control over the militant activities in the State as a consequence of which the State remained peaceful by and large and free from violent militant activities.
- viii) Anti-national and terrorists activities of the LTTE have been vividly detailed in the adjudication proceedings of the Hon'ble Tribunals constituted under the Unlawful Activities (Prevention) Act, 1967. It has been stated that so long as Sri Lanka continues to be in a state of ethnic strife, ripped by the demand for the Tamil Eelam, it will continue to find a strong echo in Tamil Nadu due to linguistic, cultural, ethnic, historical and geographical affinity between the Tamils in India and Sri Lanka.
15. The Tribunal constituted under Section 4(1) of the Act on the last occasion vide notification dated 14th May, 2004 had confirmed the declaration made in the said notification issued by the Central Government. While analyzing similar kind of material and taking note of the activities of the relevant period under the said notification in the process, in respect of some of the speeches, utterances etc. it was observed as under:

"It may be that fair criticism of such Resolutions is permissible, as right to speech is one of the fundamental rights conferred on every citizen of this country under Article 19(1)(a) of the Constitution of India. To that extent these speeches may not be relied upon by the deponent to support the Notification in question imposing the ban. However, in some of these speeches this line of fair criticism is crossed and the speakers have entered into forbidden area and the exhortation in those parts of the addresses would fall within the mischief of Section 2(f) of the Act, 1967 and could be dubbed as intending to or supporting the aims of LTTE to bring about the secession of a part of territory of India or inciting any individual or groups of individuals to bring about such secession or secession and may be punishable under Section 13 of the Act. I am consciously and deliberately avoiding specific reference to such speeches and particular quotations therefrom as, in respect of many speeches, F.I.R.s are registered against the makers of those speeches under the provisions of the Act, 1967 as well as other statutes. Any observations made in detail may affect the trial of those cases pending in the Courts of law. It would be suffice to observe that for the purpose of considering enquiry under sub-Section 3 of Section 4, it would constitute relevant material."

The aforesaid observations equally apply in the facts and situations prevailing even now.

16. Further, as already noticed above, the two objectives of the People's Front of Liberation Tigers (PFLT), which is a political front of LTTE, namely, (i) to fight for the right of the self-determination of the Tamils and Muslims and (ii) to fight and preserve the geographical identity and integrity of the traditional homelands of the Tamils and Muslims, speak of all Tamils irrespective of geographical distinction and an inference is irresistible that while the immediate struggle of LTTE is against the Government of Sri Lanka, its larger objective, given the geographical contiguity and ethnic affinity, would include the Tamil areas of India also and, thus, pose a real and serious threat to the sovereignty and territorial integrity of India. Nowhere any indication is given to show that aforesaid objectives are dropped by the LTTE. In fact, LTTE has created the Tamil National

Retrieval Troops and Tamilar Pasarai, secessionist organizations in Tamil Nadu in furtherance of its objective seeking secession of Tamil Nadu and questioning India's sovereignty and territorial integrity. Cases under TADA booked against Tamilar Pasarai cadres are still pending. The witnesses have also produced the instances wherein LTTE organizations in India are having close nexus with organizations functioning outside India, as noted above. Likewise, from the instances given, it is inferred that activities of pro-LTTE activists and individuals despite the ban enforced, clearly suggest that efforts are made to extend their support to LTTE and also that LTTE leaders have been cynical of India's policy on their organization and reaction of the State machinery in curbing their activities. The satisfaction of the Government of India provided under sub-section (1) and proviso to sub-section (3) of Section 3 of the Act on the basis of the afore-noted material is justifiable and cannot be faulted with. The law enjoins and empowers the Central Government to declare a particular organization as unlawful organization if it is satisfied that such an association is indulging in unlawful activities as defined under Section 2(f) of the Act. The activities have been continuing since the first Notification dated 14.05.1992 was issued and despite the fact that the ban is still in force. The aims and objectives of the political wing of the LTTE as well as the activities of the LTTE cadres indicate that behind all these activities there is a clear aim for secession of Tamil Nadu State from the Indian Union. Therefore, it has become necessary to continue the ban on LTTE

under Section 3 of the Unlawful Activities (Prevention) Act, 1967 to preserve the territorial integrity and sovereignty of India. In view of the existing laws, no organization whether Indian or foreign based can avowedly claim that it is for secession or it can question the sovereignty and territorial integrity of India. The evidence, which is given herein above, clearly shows that one of the objectives of the LTTE is to bring into existence a separate Tamil country by creating secession in India as well as in Sri Lanka. All the organizations and persons supporting the cause of LTTE and spreading the feelings for a separate Tamil Eelam consisting of parts of India and parts of Sri Lanka get material and monetary support from LTTE and LTTE is the source of all their inspiration. The Tribunal after the receipt of records called upon LTTE under sub-section 2 of Section 4 of the Act to show cause why the association be not declared unlawful. LTTE has failed to show cause and was proceeded ex-parte. Necessary inquiry has been held by this Tribunal in the manner specified in Section 9 of the Act. The Central Government as well as the State Government have produced the material on record justifying the declaration of LTTE as an unlawful association which is discussed in detail hereinabove. May be there are some peace talks in progress, particularly with Sri Lankan Government. However, these have not fructified so far. Furthermore, an important fact for our purpose is that, notwithstanding these peace talks, the LTTE is indulging in unlawful activities unabashedly.

17. Accordingly, this Tribunal has no option but to confirm the declaration made by Central Government vide Notification dated 14.5.2006 and it is ordered accordingly.

(Sd) JUSTICE A.K. SIKRI

November 2, 2006

Unlawful Activities (Prevention) Tribunal

[F. No. I-11034/06-IS-III]

L. C. GOYAL, Jt. Secy.